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MEMORANDUM FOR LEGISLATIVE LIAISON OFFICER

Subject: Explanatory Notes on Statutes Cited for  
Proposed Legislation - Draft of 9 June 1947

The proposed bill is considered by sections and notes made on statutes cited therein.

SECTION 2(b)(2):

1. 10 U.S.C. 576 provides that any Army officer who accepts a civil office shall cease to be an officer of the Army, and his commission vacated. This statute is explicit, and specific exception should be made in the proposed legislation. Note that there is no such blanket prohibition on Navy officers, and consequently no statute is cited for them.

2. The Foreign Service Act of 1946 permits assignment of Foreign Service officers to other agencies, but makes special provision for assignment to the Department of State, which to our mind makes unclear the individual's status when assigned to another agency; consequently, specific exception was again made to prevent confusion.

SECTION 2(b)(3):

This section is intended to permit employment of any retired officer of the named services. For this purpose it is necessary to make exception to the provisions of:

1. 5 U.S.C. 58, which prohibits more than one salary from appropriated funds when the combined amount exceeds \$2000;

2. 5 U.S.C. 59 which qualifies 58 by certain exceptions;

3. 5 U.S.C. 59(a) which prohibits retired officers from receiving retired pay if the combined civilian and retired pay exceeds \$3000 per annum except as to officers retired for combat disability or disabilities resulting from explosion of instrumentality of war

SECTION 4(7):

The Act of August 24, 1912 [37 Stat. 555, 5 U.S.C. 652] prohibits removal of classified civil service employees except for such cause as will promote the efficiency of the Service, and for reasons given in writing, with notice to the person affected of the charges preferred. Such a prohibition is not consistent with the peculiar security requirements of an intelligence agency. The further phrase " \* \* \* or the provisions of any other law \* \* \*" is included to eliminate other restrictions such as special status given to veterans and general administrative limitations on the discharge of employees.

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